

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

GREGORY HARDY,

Plaintiff,

v.

GENESEE COUNTY
COMMUNITY ACTION
RESOURCE DEPARTMENT, *et*
al.,

Defendant.

Case No. 24-11190

Honorable Linda V. Parker

Magistrate Judge Elizabeth A. Stafford

**ORDER GRANTING DEFENDANTS' MOTION TO STRIKE SUR-REPLY
(ECF NO. 28)**

Plaintiff Gregory Hardy, proceeding *pro se*, filed a sur-reply to defendants' motion for partial dismissal. ECF No. 25. Defendants filed a motion to strike Hardy's sur-reply. ECF No. 28. The general rule is that a non-moving party has no right to respond to a reply brief, and thus the applicable local rule does not allow for a sur-reply. *Scottsdale Ins. Co. v. Flowers*, 513 F.3d 546, 553 (6th Cir. 2008); E.D. Mich. LR 7.1. Because the moving party is entitled to the last word on the matter, sur-replies are highly disfavored when the moving "party's reply did not raise any new legal arguments or introduce new evidence." *Liberty Legal Found. v. Nat'l*

Democratic Party of the USA, Inc., 875 F. Supp. 2d 791, 797 (W.D. Tenn. 2012). Thus, the party wishing to file a sur-reply must file a motion for leave that sets forth “good cause.” *NCMIC Ins. Co. v. Smith*, 375 F. Supp. 3d 831, 835 (S.D. Ohio 2019)

Here, Hardy has filed no motion for leave and shown no good cause for filing a sur-reply. As such, the Court **GRANTS** defendants’ motion requesting that Hardy’s sur-reply be **STRICKEN**. ECF No. 28.

s/Elizabeth A. Stafford

ELIZABETH A. STAFFORD
United States Magistrate Judge

Dated: November 12, 2024

NOTICE TO PARTIES ABOUT OBJECTIONS

Within 14 days of being served with this order, any party may file objections with the assigned district judge. Fed. R. Civ. P. 72(a). The district judge may sustain an objection only if the order is clearly erroneous or contrary to law. 28 U.S.C. § 636. **“When an objection is filed to a magistrate judge’s ruling on a non-dispositive motion, the ruling remains in full force and effect unless and until it is stayed by the magistrate judge or a district judge.”** E.D. Mich. LR 72.2.

CERTIFICATE OF SERVICE

The undersigned certifies that this document was served on counsel of record and any unrepresented parties via the Court's ECF System to their email or First Class U.S. mail addresses disclosed on the Notice of Electronic Filing on November 12, 2024.

s/Davon Allen
DAVON ALLEN
Case Manager